

REMARKS

Applicants respectfully request further examination and reconsideration in view of the amended claims and the arguments set forth fully below. In the Office Action mailed April 12, 2010, claims 1-39 have been rejected. In response, the Applicants have amended claims 1 and 18, and have submitted the following remarks. Accordingly, claims 1 and 18 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks set forth fully below.

Examiner Interview Summary

On Thursday, June 10, the undersigned and Examiner Lubin conducted a telephone interview regarding this case. The parties mainly discussed the Boukobza reference and the undersigned presented the structural differences between Boukobza and the system and method of the present application. While no specific agreement was reached with respect to claim language, the Examiner indicated that highlighting the structural differences between the present application and Boukobza in the independent claim 1 may lead to subject matter that is allowable. Accordingly, the Applicant has amended the independent claims to attempt to make such distinction. The Applicants respectfully thank the Examiner for her kind attention and willingness to conduct this interview.

Rejections Under 35 U.S.C. §103

Claims 1-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,122,664 to Boukobza et al. (hereinafter Boukobza), in view of U.S. Pre-grant Pub. No. 2003/0023459 to Shipon (hereinafter Shipon). The Applicants respectfully disagree with this rejection.

As discussed above in the Examiner Interview Summary, the Applicants and the undersigned discussed the structural differences between the present application and Boukobza during the Examiner interview. The Applicant will first present these differences and explain the claim amendments made to the independent claims 1 and 18, and then proceed to renew arguments made in the previous Office Action response, which the Applicant still deems as valid.

Referring first to the independent claim 1 and the Figure 1 of the present application, the Applicants respectfully submit that each customer information system 140 of the present application includes a memory device 142, a processor 144 and a single proactive notification agent 148. During the monitoring of the entire proactive support system 100 (referred to as a healthcare information system in the claims), each single proactive notification in the customer information system 140 is able to communicate with any of a plurality of system module protocols. In other words, each proactive notification in each customer information system is diverse enough to communicate with all modules in the entire system. Accordingly, each customer information system 140 requires a single proactive notification agent 148 only. This has now been clearly set forth in the independent claims according to the above amendments.

Moving on to the Boukobza reference, it is clear from the lone figure in Boukobza and the abstract of the Boukobza reference that each management node (MN) in the information system has a corresponding autonomous agent (SAA). Therefore, instead of each customer information system only having a single proactive notification agent, the Boukobza reference utilizes a system where each management node in the customer system includes an autonomous agent. This is required in the Boukobza reference because each autonomous agent is specific to a different object type, and each specific module measuring static and dynamic parameters particular to the object type it monitors. Therefore, while the Boukobza reference includes notification agents that are able to communicate with a plurality of module protocols, the structure of the Boukobza reference requires that such autonomous agents are assigned to a particular object module.

As was discussed in the Examiner Interview Summary, comparing Figure 1 to the figure of Boukobza illustrates how different the structures of these two references are. The amendments made to the independent claim 1 illustrate Figure 1 of the present application, and therefore the Applicants respectfully request that the structures of the Boukobza reference does not indeed teach the system and method of the present application.

The Applicants also submit that the underlying argument is that even if combined, the Boukobza and Shipon references would include an SAA that is incapable and unable to exist

singularly in the hospital information system, as such an SAA cannot communicate with any of the modules of the hospital information system.

The Applicants respectfully submit that the single proactive notification agent of the present application is structurally and functionally different than those agents found in the Boukobza reference. As stated in the previous Office Action response, the proactive notification agent of the present application is a single agent included in the customer healthcare information system that is capable of monitoring a plurality of object types of a plurality of nodes [Abstract]. This proactive notification agent is diverse enough to interface with a plurality of specific modules specific to the different object types or to a particular domain, each specific module measuring static and dynamic parameters particular to the object type monitors and collecting said measurements, testing conditions on said parameters relative to predefined thresholds and possibly triggering actions associated with said tested conditions [Abstract]. Therefore, while the Boukobza reference includes agents configured in each of the nodes for communicating with a management node specifically for that node, the system and method of the present application includes a single proactive notification agent in the healthcare information system, that is capable of communicating with all nodes, regardless of object type, and regardless of protocol, format, etc.

In Boukobza, autonomous agents (SAA) are installed in each node ($N_1, N_2 \dots N_n$), and each of these agents are configured to monitor its assigned node, to process the object types or domains in each of these nodes locally, or to feed back the information collected in each of these nodes to a graphical interface of a management node (MN) [Boukobza, Abstract]. Referring further to the Boukobza reference, the autonomous agents make "...impossible to assure...to measure specific parameters of each application, to test conditions on these parameters relative to the thresholds, and then to execute an action in order to warn of a problem, to reconfigure or to correct," [Boukobza, column 2, lines 39-65].

Furthermore, the autonomous agent SAA is "chiefly composed of a Generic Agent related to Specific Modules (SM1, SM2, ..., SMn), each of which is specific to an object type of to a particular domain, and of files, one of which is intended to contain the Basic Functions used," [Boukobza, column 4, lines 36 through column 5, line 18]. It is clear from these few citations that the autonomous agents SAA are inadequate, and further unable to function as the

proactive notification agent of the present application, as these autonomous agents SAA cannot communicate with all of the modules of the system, but only with its Specific Module, "...each of which is specific to an object type of to a particular domain, ...".

As follows in Boukobza, each node is specific to each object type of that particular node, and therefore requires an autonomous agent. Accordingly, Boukobza does not teach the polling step, the notifying step, nor the monitoring step of the independent claim 1, nor these corresponding elements in the independent claim 18.

Once again, even if Boukobza and Shipon were combined, the autonomous agents of Boukobza would be unable to function as proactive notification agents, and therefore the system created by the combination of Boukobza and Shipon would fail, and not ultimately be the system of the present application. Once again, the autonomous agents of Boukobza cannot communicate with all of the modules of the hospital information system, and therefore a SAA cannot serve as a proactive notification agent. Accordingly, neither Boukobza, Shipon, nor their combination teach a proactive notification agent.

Further belaboring the analogy of the two-piece hammer handle of the 1961 *In re Wolfe* case, as cited by the Examiner, the Applicants respectfully request that the Examiner is missing the issue by likening the number of agents to the number of handle pieces. In the *Wolfe* case, the only difference between the one-piece hammer handle and the two-piece hammer handle is the number of pieces. The one-piece hammer handle provides no additional advantage or function, and more importantly, replacing the one-piece hammer handle with a two-piece hammer handle would still allow the user to actually use the hammer. In the present case, using an autonomous agent for a proactive notification agent would not allow the user to enjoy the benefits of the system and method of the present application.

Lastly, within the Office Action it is stated that Boukobza does not teach a healthcare information system. The Office Action relies on the Shipon reference to teach this element, but this assessment of the Shipon reference is inaccurate. Regardless of whether either reference teaches an HIS, the differences cited above illustrate that this combination of references does not teach nor make obvious the system and method of the present application.

Claim 1 is now directed to a method for proactively monitoring a healthcare information system, the healthcare communication system having a plurality of customer

information systems, the method comprising configuring a memory device in each of the customer information systems of the healthcare information system, the memory device including a set of executable code, and executing the set of executable code with a processor configured in each of the customer information systems, such that when the code is executed, the following steps are performed with a single proactive notification agent in the healthcare information system, wherein the proactive notification agent communicates with any of a plurality of system module protocols: polling a set of data from the healthcare information system with the proactive notification agent, transforming the set of data into a plurality of counters, monitoring one or more performance parameters of the healthcare information system by recording the values of the parameters by one of the plurality of counters, comparing the value of the counters to thresholds, and notifying a designated representative of the value of one of the plurality of counters exceeding one of the thresholds. As discussed above, neither Boukobza, Shipon, nor their combination teach this structure or functionality. For at least these reasons, the independent claim 1 is allowable over the teachings of Boukobza, Shipon and their combination.

Claim 18 is directed to a system for proactively monitoring a healthcare information system having a plurality of customer information systems, the system comprising a memory device configured in each of the customer information systems of the healthcare information system, the memory device including a set of executable code, a processor configured in each of the customer information systems configured to execute the code, thereby effectuating the function of the following modules: a single notification agent in each of the customer information systems, wherein the notification agent polls a set of data from the healthcare information system, wherein the proactive notification agent communicates with any of a plurality of system module protocols, and a plurality of counters, each of which monitors one of a multiplicity of performance parameters by recording the values of the one parameter, wherein the notification agent further notifies a designated representative of the value of one of said plurality of counters exceeding a threshold. As discussed above with respect to the independent claim 1, neither Boukobza, Shipon, nor their combination teach a single notification agent configured to pull a set of data from the hospital information system nor a plurality of counters produced when the agent transforms the set of data. Accordingly, the independent claim 18 is allowable over the teachings of Boukobza, Shipon and their combination.

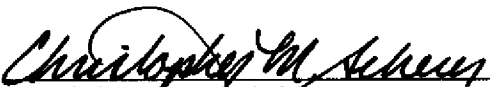
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Claims 2-17 and 19-39 are dependent upon the independent claims 1 and 18. As discussed above, the independent claims 1 and 18 are allowable over the teachings of Boukobza, Shipon, and their combination. Accordingly, claims 2-17 and 19-39 are also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By 
Christopher M. Scherer
Reg. No. 50,655

100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-577